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EXAMINER

CHOI, STEPHEN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/744,181
Filing Date: March 12, 2001
Appellant(s): KNEPPE ET AL.

Friedrich Kueffner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 2, 2010 appealing from the Office action mailed February 5, 2008.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

11-12, 14-17, and 19-20

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

1,015,836	READ	1-1912
3,143,016	OBENSHAIN	8-1964
4,080,856	SHEARON	3-1978
5,918,518	KOBAYASHI	7-1999
DE 944919	JAGENBERG-WERKE AG	6-1956

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11, 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read in view of Kobayashi and Shearon.

Read discloses a method with almost every step of the claimed process including drums (e.g., 1,2) arranged so as not to touch (e.g., as most clearly shown in Figures 4 and 5) but lacks (a) the workpiece being a sheet metal or metal strip, and (b) the step of employing a valve.

Regarding (a), it is old and well known to provide webs in the form of sheet metal or metal strip, and further that it is old and well known in the art to cut such webs using

a cutter roll configuration. Kobayashi discloses one example of such a web, wherein the web is a metal foil, and further discloses the use of a cutter roll configuration to cut the foil. Therefore, it would have been obvious to one having ordinary skill in the art to use the device of Read to cut any type of web material including a sheet metal or metal strip for various well known reasons including cutting a metal foil to a desired length when the device of Read is available.

Regarding (b), the use of such valves is old and well known in the art and provides various known benefits including producing and facilitating fluid flow to a desired component including rollers so that the fluid can be applied in an efficient and desired manner including the desired force and location/timing of fluid application. As one example, Shearon discloses the use of such a valve and teaches that it is used to provide airflow to a specific location of the roller for a limited amount of time. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a valve on the device of Read for the well known benefits including those described above and taught by Shearon.

In the alternative, if it is argued that Read does not disclose drums arranged so as not to touch, it is old and well known in the art to provide a space between such drums to accommodate thicker sheets of material. There are many examples of such a drum configuration; Kobayashi and Shearon each disclose one example of such a drum configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide a space between the drums so that the drums do not touch for the well known benefits including that described above.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Read in view of Kobayashi and Shearon, as applied to claim 11 above, and further in view of DE 944 919 (hereafter '919).

The combination lacks the specific type of cutter configuration, specifically, shearing off shears. However, such cutter configurations are old and well known in the art as taught by applicant's admitted prior art that provide various known benefits including providing a cutting action on both sides of the work piece to reduce the occurrence of tearing or the like. Often, different types of cutters are used on different types of work pieces. It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03. '919 provides an example of such a cutter. Therefore, it would have been obvious to one having ordinary skill in the art to replace the cutters of Read with shearing off shears for the well known benefits including those described above.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over '919 in view of Read and Shearon.

'919 discloses a device with almost every structural limitation of the claimed invention including: a conveying device (e.g., 2, 2) for conveying the sheet metal or metal strip; drums (e.g., 4, 5) selected from the group consisting of transport drums and blade carrier drums, the drums being arranged so as not to touch; the drums each

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having a periphery provided with jet nozzles (e.g., 10, and as suggested by at least the language found in the sentence bridging pages 2 and 3 of the specification).

'919 lacks:

(a) an illustration of each of the drums being provided with jet nozzles, wherein the jets are arranged in at least one row parallel to the axis of the drums, and (b) a timed fluid supply system, specifically:

wherein the drums each have an interior and supply channels arranged in the interior, wherein the supply channels are connected to a source of a medium to be supplied under pressure, wherein the source is provided external to the drums;

wherein the jet nozzles are connected by connecting channels to the supply channels and are oriented against at least one of a top surface and a bottom surface of the sheet metal or the metal strip;

at least one pump and at least one valve arranged between the supply channels and the source, the valve including the connecting channels;

[claim 20] wherein the valve is arranged at an end face of each of the drums.

Regarding (a), the use of jet nozzles on each drum, wherein the jets are arranged in at least one row parallel to the axis of the drums, is old and well known in

the art and provides well known benefits. As one example, Read discloses the use of such a jet nozzle configuration and teaches that it provides for an improvement in means for controlling and directing moving sheets or webs. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a jet configuration on each drum to gain the well known benefits including those described above.

Regarding (b), the use of such timed fluid supply systems is old and well known in the art and provide various known benefits including producing and facilitating fluid flow to a desired component including rollers so that the fluid can be applied in an efficient and desired manner including the desired force and location/timing of fluid application. As one example, Shearon discloses the use of such a fluid supply system and teaches that it is used to provide air flow to a specific location of the roller for a limited amount of time. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a valve on the device of Read for the well known benefits including those described above and taught by Shearon

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read in view of '919 or Obenshain, and in view of Shearon.

Read discloses a device with almost every structural limitation of the claimed invention including: drums (e.g., 1, 2) selected from the group consisting of transport drums and blade carrier drums, the drums being arranged so as not to touch (e.g., as most clearly shown in Figures 4 and 5); the drums each having a periphery provided

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with jet nozzles (e.g., 9, 9; 11, 11) arranged in at least one row parallel to an axis of the drums.

Read lacks:

- (a) a conveying device for conveying the sheet metal or metal strip, and
- (b) a timed fluid supply system, specifically:

wherein the drums each have an interior and supply channels arranged in the interior, wherein the supply channels are connected to a source of a medium to be supplied under pressure, wherein the source is provided external to the drums;

wherein the jet nozzles are connected by connecting channels to the supply channels and are oriented against at least one of a top surface and a bottom surface of the sheet metal or the metal strip;

at least one pump and at least one valve arranged between the supply channels and the source, the valve including the connecting channels;

[claim 20] wherein the valve is arranged at an end face of each of the drums.

Regarding (a), conveying devices for conveying a sheet of material, including sheet metal or metal strip, are old and well known and provide various well known benefits including automation of processes whereby a workpiece can be mechanically

fed to an operation. Various examples are disclosed in the prior art of record; as one example, '919 discloses a conveying device in the form of rollers (e.g., 2, 2) for conveying a sheet to a cutting device; as another example, Obenshain discloses a conveying device in the form of rollers (e.g., shown at the far left in Figure 1) for conveying a sheet to a cutting device. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a conveying device on or for the device of Read to gain the well known benefits including those described above.

Regarding (b), the use of such timed fluid supply systems is old and well known in the art and provide various known benefits including producing and facilitating fluid flow to a desired component including rollers so that the fluid can be applied in an efficient and desired manner including the desired force and location/timing of fluid application. As one example, Shearon discloses the use of such a fluid supply system and teaches that it is used to provide airflow to a specific location of the roller for a limited amount of time. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a valve on the device of Read for the well known benefits including those described above and taught by Shearon.

In the alternative, if it is argued that Read does not disclose drums arranged so as not to touch, it is old and well known in the art to provide a space between such drums to accommodate thicker sheets of material. There are many examples of such a drum configuration; Kobayashi and Shearon each disclose one example of such a drum configuration. Therefore, it would have been obvious to one having ordinary skill in the

art to provide a space between the drums so that the drums do not touch for the well known benefits including that described above.

(10) Response to Argument

The rejection of claims 11-12 and 14-16

Applicants argue that the references relied upon by the Examiner as teaching the guiding structure are not relevant art. Furthermore, applicants argue that the jets of Read do not support the web since the web is not placed on a conveying device, but instead hangs freely and the combination of Read with Kobayashi and Shearon does not provide any teaching concerning a method for guiding and supporting a thin sheet metal or metal strip as claimed.

The examiner respectfully disagrees. There is nothing in the reference to Read suggesting that the device of Read is incapable of guiding and supporting a thin sheet metal. Furthermore, Kobayashi teaches a cutter roll configuration that is used to cut a metal foil. With the teaching of Kobayashi, one of ordinary skill in the art would have clearly recognized that the device of Read can be used to cut a thin sheet metal or metal strip as claimed. In addition, the jets of Read does support and guide the workpiece as claimed since the web is supported and guided at least against any lateral movement. It is noted that the examiner's position is not whether the prior art operates in the same manner as the disclosed invention but It is rather the prior art teaches or suggests every steps of the claimed method. Moreover, Shearon is used to provide the teaching on the use of valve as claimed, and not to the guiding structure.

The rejection of claims 19 and 20 over '919 in view of Read and Shearon

Applicants contend that there is no suggestion or teaching in '919 of a support or guiding function by the jet(s) wherein jet nozzles are disposed in the upper and lower drums both before and after the blades for lifting and supporting a metal strip.

Applicants further argue that the metal strip of the present invention is transported by its own weight to the rollers of the transport device, whereas in the '919 reference the paper web, after cutting, must be transported between an upper and lower transport belt. Applicants argue that the combination of '919 with Read and Shearon does not provide any teaching concerning a device for guiding and supporting a thin sheet metal or metal strip as claimed.

The examiner respectfully disagrees. Claim 19 does not call for the jet nozzles disposed on "both before and after the blades". While the examiner agrees that '919 does not teach the jet nozzles on each drum, the rejection is based on the combination with the Read reference which teaches the use of jets that are arranged in at least one row parallel to the axis of the drums as claimed. Furthermore, it is not clear how the jet nozzles on the upper drum of the disclosed invention are capable of either "lifting" or "supporting". Again, Shearon is used to provide the teaching on the use of valve as claimed, and not to the guiding structure.

The rejection of claims 19 and 20 over Read in view of '919 or Obenshain, and in view of Shearon

Applicants argue that the patent to Obenshain also does not teach the invention as discussed previously in connection with the other rejections.

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Furthermore, the combination of Read,'919 or Obenshain and Shearon does not provide any teaching concerning a method for guiding and supporting a thin sheet metal or metal strip as claimed.

The examiner respectfully maintains the rejection and the combination does teach all the limitations as set forth above. It is noted that claims 19-20 are directed to a device, not a method. The proposed examiner's combination teaches all the structural limitations and is capable of performing the recited function.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Stephen Choi/

Primary Examiner, Art Unit 3724

Conferees:

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724

/Joseph J. Hail, III/

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